

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES, et al.,

Defendants.

No. 25-cv-11048-ADB

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE IN
SUPPORT OF HARVARD'S MOTION FOR SUMMARY JUDGMENT**

The Commonwealth of Massachusetts moves for leave to file an amicus brief on behalf of itself and other states ("Amici States") in support of Harvard's Motion for Summary Judgment (ECF No. 69). In support of the motion, Massachusetts asserts the following:

1. Amici States are home to research universities that, like Harvard, play a critical role in the economies of Amici States, including by creating jobs, spurring innovation, and training the future workforce.

2. Amici States and their residents will be irreparably harmed if the federal government is permitted to freeze funding to research universities as a means to assert academic control.

3. It is within a court's "sound discretion" whether to permit amicus briefing. *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970). Amicus briefing may be permitted "to assist the court in cases of great public interest by making suggestions to the court, by providing

supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.), *aff’d*, 807 F.3d 472 (1st Cir. 2015) (internal citations and quotations omitted).

4. The proposed brief will assist the Court in its consideration of the pending motion because the Amici States can address the crucial role of federally-funded research universities in driving the economies of states, and the devastating spill-over effects that cuts to university research funding would have on business, career development, innovation, and public health within Amici States.

5. Counsel for Massachusetts has conferred with counsel of record for the parties in this case. Plaintiff and Defendants do not oppose this motion.

CONCLUSION

For the foregoing reasons, Massachusetts respectfully requests that the Court grant its motion for leave to file an amicus brief on behalf of Amici States in support of Harvard’s Motion for Summary Judgment (ECF No. 69).

Respectfully submitted,

Dated: June 6, 2025

ANDREA JOY CAMPBELL
Attorney General of Massachusetts

/s/ Anna Lumelsky
Anna Lumelsky, BBO# 677708
Deputy State Solicitor
Jonathan Green, BBO# 655036
*Chief, Nonprofit Organizations/
Public Charities Division*
Emily Tassinari Gabrault, BBO# 682555
Emma S. Winer, BBO# 693453
*Assistant Attorneys General, Non-Profit
Organizations/Public Charities Division*
Boston, MA 02108
Office of the Attorney General
1 Ashburton Pl.
Boston, MA 02108
(617) 963-2615
anna.lumelsky@mass.gov

*Counsel for the Commonwealth of
Massachusetts*

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

I, Anna Lumelsky, hereby certify that I have conferred with counsel of record for the parties in this case via email on June 4, 2025 in a good faith attempt to resolve and narrow the issues posed by the motion. I further certify that the motion is unopposed.

/s/ Anna Lumelsky

Anna Lumelsky
Deputy State Solicitor
Commonwealth of Massachusetts

CERTIFICATE OF SERVICE

I, Anna Lumelsky, hereby certify that I have this day, June 6, 2025, served the foregoing document upon all parties of record, by electronically filing to all ECF-registered parties and by sending a copy, first-class mail, postage prepaid to all unregistered parties.

/s/ Anna Lumelsky

Anna Lumelsky

Deputy State Solicitor

Commonwealth of Massachusetts